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Date: January 28, 2003

DSL-BQA-03-002

To: Hospitals

HOSP - 01

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**Firearms in Hospitals**

At least two incidents involving firearms in Wisconsin hospitals have occurred in recent months. The incidents involved patients (one psychiatric inpatient, one general medical inpatient) who were in possession of firearms. One patient discharged the weapon and killed himself; the other patient was contained by hospital staff and disarmed by local law enforcement. Clearly, other dangerous scenarios involving patients, families, and visitors are possible.

The recent firearms incidents have prompted the Bureau of Quality Assurance (BQA) to remind hospitals of their regulatory responsibilities to provide for patients' safety.

Hospitals that participate in Medicare must meet the Patient Rights Condition of Participation at 42 CFR 482.13(c)(2): "The patient has the right to receive care in a safe setting." Hospitals are expected to provide a safe and secure environment for their patients in fulfillment of this requirement.

The Wisconsin Administrative Code for hospitals, chapter HFS 124, also requires hospitals to provide a safe environment. Section HFS 124.05(3)(b) addresses the movement of visitors as follows: "Every hospital shall have written policies established by the governing board to control the movement of visitors. The hospital shall control traffic and access to each patient care unit to ensure patient privacy and infection control."

Adherence to this requirement will also result in protection of patients from physical harm by visitors.

Subchapter V of chapter HFS 124 requires that the buildings of a hospital are “constructed and maintained so that they are functional for diagnosis and treatment and for the delivery of hospital services appropriate to the needs of the community and with due regard for protecting the health and safety of the patients.” [Section HFS 124.27(1)] These requirements are inseparable from the involvement of staff in assuring a safe and secure environment for the hospital’s patients.

Section HFS 94.24(1) and (2), Wis. Admin. Code, also requires treatment facilities for mental illness, including hospitals, to provide patients with a clean, safe and humane environment, and for staff to take reasonable steps to ensure the physical safety of all patients.

BQA previously addressed the issue of security in psychiatric treatment areas in memorandum DSL-BQA-00-013, dated February 8, 2000. In summary, that memorandum stated that the routine presence of weapons, including firearms, pepper agents (spray and foam) and stun guns in a psychiatric treatment area for the purpose of managing the behavior of psychiatric patients is not an acceptable practice.

Each hospital is responsible for conducting a review of its policies and procedures (P&Ps ) for addressing firearms introduced into the hospital by a patient, visitor, or any other person. The content of these P&Ps will depend on local needs, the hospital’s physical plant, its patient population, and other variables. Hospitals should ensure that staff members are appropriately trained to implement these P&Ps and remain alert to the safety of the hospital’s patients.